

-- 37. A vaccine comprising the EHV mutant of claim 32, and a pharmaceutically acceptable carrier or diluent. --

-- 38. A vaccine comprising the EHV mutant of claim 33 and a pharmaceutically acceptable carrier or diluent. --

-- 39. The EHV mutant of claim 21, wherein said deletion is of the HindIII-ClaI fragment. --

-- 40. The nucleic acid molecule of claim 22, wherein said deletion is of the HindIII-ClaI fragment. --

-- 41. A vaccine comprising the EHV mutant of claim 21 and a pharmaceutically acceptable carrier or diluent. --

-- 42. A vaccine comprising the EHV mutant of claim 39 and a pharmaceutically acceptable carrier or diluent. --

-- 43. A vaccine comprising an attenuated equine herpesvirus (EHV) mutant, wherein one or more deletions are introduced into the endogenous promoter region of the Immediate Early gene, and a pharmaceutically acceptable carrier or diluent. --

#### REMARKS

Claims 1 - 15 are canceled and claims 16 - 43 are added. Claims 16 - 43 are presented for examination.

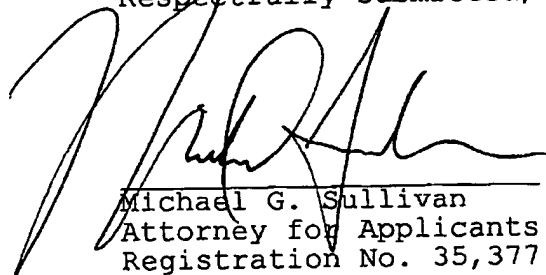
New claims 16 - 43 have been added to adapt the claim language to conventional U.S. patent practice and to claim preferred embodiments, and not for purposes of patentability.

It is believed that claims 16 - 43 recite a patentable improvement in the art. Favorable action is solicited. In the

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Respectfully submitted,



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